

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Conditional Major
AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: United States Smokeless Tobacco Manufacturing, LLC
Mailing Address: 1600 Main Street
Hopkinsville, Kentucky 42240

Source Name: Same as above
Mailing Address: Same as above

Source Location: Same as above

Review Type: Conditional Major
Permit Number: F-01-030
Log Number: 53934
AFS Plant ID #: 21-047-00055
SIC Code: 2141

Regional Office: Paducah Regional Office
4500 Clarks River Road
Paducah KY 42003
(270) 898-8468

County: Christian

**Application
Complete Date:** August 2, 2001

Issuance Date:
Expiration Date:

**John E. Hornback, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This draft permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

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SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**E. Unit 01 (S101) Prizing Process**Description

Bundle Buster
Lamina Feeder
First Ordering Cylinder
Second Bundle Buster
Sand Reel
Second Ordering Cylinder
Tipping Ordering Cylinder

Processing Rate *18,000 lbs/hr*
Construction Commenced: 1978

E. Unit 02 (H03) Threshers/Separators/ScreensDescription

Leaf Threshers/RPL Separators #1 - #6
PL Separators #1 - #5

Processing rate *18,000 lbs/hr*
Control: 98%-Baghouse
Construction Commenced: 1978

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975.

1. Operating Limitations:

The permittee shall limit the operation of emission units **01 – 04** such that the maximum total annual (consecutive twelve (12)-month) hours shall not equal or exceed **5376** hours per unit. [Self-imposed restriction, so as to preclude the applicability of Regulation 401 KAR 51:017]. The usage rate of materials used in all affected facilities shall be limited so as not to exceed the emission limitations listed in section B(2) below

2. Emission Limitations:

- a. Pursuant to State Regulation 401 KAR 59:010, Section 3(2), the permittee shall not cause, suffer, allow or permit into open air from the control device or stack associated with any affected facility for the particulate matter and emissions shall not exceed $[3.59(P)^{0.62}]$ lbs/hr based on a three-hour average, where P is the processing rate in tons/hr.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. Pursuant to State Regulation 401 KAR 59:010, Section 3(1)(a), the permittee shall not cause, suffer, allow or permit any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity based on a six-minute average.
- c. Total Volatile Organic Compounds (VOC) emissions shall not be equal or exceed 90.0 tons per year during any consecutive twelve (12) month period for the entire source.
- d. Total Particulate Matter (PM) emissions shall not be equal or exceed 90.0 tons per year during any consecutive twelve (12) month period for the entire source.
- e. The efficiency of particulate controls shall be maintained as indicated in the above listings.

Compliance Demonstration Method:

- a. Performance tests, where required, used to demonstrate compliance with the particulate matter standard as listed above shall be conducted according to Reference Method 5.
- b. In determining compliance with the opacity standard as listed above, the owner or operator shall use Reference Method 9.
- c. Monthly VOC emission = $\sum [\text{Monthly usage of each solvent, or any other VOC containing material in pounds or gallons per month}] \times [\text{VOC fraction}] \times [\text{appropriate conversion factor (if usage is in gallons) for gallons to pounds for each solvent, or any other VOC containing material used}]$
- d. The permittee shall demonstrate that fabric filters are in place and functional when tobacco is being processed or threshed and must be operated according to the manufacturer's recommendations.

3. Testing Requirements:

See Section D

4. Specific Monitoring Requirements :

The permittee shall qualitatively observe opacity at least once per operating day and record results in a log, noting color, duration, density (heavy or light), cause and corrective action taken for any abnormal visible emissions.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**5. Specific Record Keeping Requirements:**

The permittee shall keep calendar month records of the usage of solvents, or any other VOC containing material. At the end of each month volatile organic compound (VOC) shall be calculated and recorded. These records in tons per month VOC emissions calculated, shall be summarized and recorded in tons per VOC per consecutive twelve (12) months total representing the most recent year. In addition, those records shall comply with VOC emissions limitations listed in this permit for each conditional major limitation. These records as well as purchases, orders and invoices for all VOC containing materials; shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality.

6. Specific Reporting Requirements

1. Any deviations from requirements of section B shall be reported.
2. The VOC emission calculation for each month in the semi-annual period shall be reported.
3. The rolling 12 month total for VOC during each month in the semi-annual period shall be reported.

Conditional major limitations require the following to be reported semi-annually. These reports shall be certified by a responsible official, and delivered by electronic media (such as fax or e-mail) or postmarked to the Division's Paducah Regional Office within thirty days following the end of each semi-annual period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. These reports may also be delivered by courier as long as the reports are stamped received as indicated above. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate, and complete.

7. Specific Control Equipment Operating Conditions:

- a) The bag-houses shall be operated as necessary to maintain compliance with permitted emission limitations in accordance with manufactures specifications and /or standard operating practices.
- b) Records regarding the maintenance of the bag-houses should be maintained.
- c) Fabric filters shall be operated as necessary to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.
- d) See section F.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**E. Unit 03 (01) Re-drying Process**Description

Re-dryer Conveyor
Kabat Application

Processing rate: *12,000 lbs/hr.*

Batch Operation

Control: None

Maximum heat input: 7 mmBTU/hr

Construction Commenced: 1978

E. Unit 04 (01) Stem Dryer

Processing Rate: *4,500 lb/hr*

Control: None

Construction Commenced: 1978

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975.

1. Operating Limitations:

See operating limitations for E. Units 01 & 02

2. Emission Limitations:

- a. Pursuant to State Regulation 401 KAR 59:010, particulate matter emissions generated from the wood being dried shall not exceed $[3.59 (P)^{0.62}]$ lbs/hr based on a three-hour average where P is the processing rate in tons/hr.
- b. Pursuant to State Regulation 401 KAR 59:010, any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity based on a six minute average.
- c. Total Volatile Organic Compounds (VOC) emissions shall not be equal or exceed 90.0 tons per year during any consecutive twelve (12) month period for the entire source.
- d. Total Particulate Matter (PM) emissions shall not be equal or exceed 90.0 tons per year during any consecutive twelve (12) month period for the entire source.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

- a. Performance tests, where required, used to demonstrate compliance with the particulate matter standard as listed above shall be conducted according to Reference Method 5.
- b. Performance tests, where required, used to demonstrate compliance with the volatile organic compounds standard as listed above shall be conducted according to Reference Method 25.
- c. In determining compliance with the opacity standard as listed above, the owner or operator shall use Reference Method 9.

3. Testing Requirements:

The permittee shall determine the opacity of emissions from the stack using U.S EPA reference Method 9 annually, or more frequently if requested by the Division.

4. Monitoring Requirements:

See Section D.

5. Recordkeeping Requirements:

See Section D.

6. Reporting Requirements:

See Section F, Conditions 5-8.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**E. Unit 05 (S104) Dry Flour Casing Process**Description

Lamina Feeder
Lamina Picker
Casing Cylinder
Bulking Bins (Conveyor)

Processing rate ***23,000 lbs/hr***
Control: 98%-Baghouse
Construction Commenced: 1980
Upgraded: 1998

E. Unit 06 -(S201) Dry Flour ProcessDescription

Conveyors
Cutters
Dryers #1 - #2 (Legg)
Silos

Processing rate ***16,000 lbs/hr***
Control 98%-Baghouse
Construction Commenced: 1980
Upgraded: 1998

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975.

2. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to State Regulation 401 KAR 59:010, particulate matter emissions from the listed processes shall not exceed $[3.59 (P)^{0.62}]$ lbs/hr based on a three-hour average, where P is the processing rate in tons/hr.
- b. Pursuant to State Regulation 401 KAR 59:010, any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity based on a six-minute average.
- c. The efficiency of particulate controls shall be maintained as indicated in the above listings.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- d. Total Volatile Organic Compounds (VOC) emissions shall not be equal or exceed 90.0 tons per year during any consecutive twelve (12) month period for the entire source.
- e. Total Particulate Matter (PM) emissions shall not be equal or exceed 90.0 tons per year during any consecutive twelve (12) month period for the entire source.

Compliance Demonstration Method:

- a. Performance tests, where required, used to demonstrate compliance with the particulate matter standard as listed above shall be conducted according to Reference Method 5.
- b. In determining compliance with the opacity standard as listed above, the owner or operator shall use Reference Method 9.

3. Testing Requirements:

See Section D.

4. Specific Monitoring Requirements:

See Section F.

5. Specific Recordkeeping Requirements:

See Section F.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

- a) The cyclones shall be operated as necessary to maintain compliance with permitted emission limitations in accordance with manufactures specifications and /or standard operating practices.
- b) Records regarding the maintenance of the cyclones should be maintained.
- c) See section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**07 (01) & 08 (01) Dual Fuel Fired Indirect Heat Exchangers****Description:**

Cleaver Brooks Boiler:	CB400-400
Primary Fuel	Natural Gas
Secondary Fuel	Propane
Maximum Continuous Rating:	17 mmBTU/hr each
Construction Commenced:	1978

09 (01)**Description:**

Cleaver Brooks Boiler:	CB400-600
Primary Fuel	Natural Gas
Secondary Fuel	Propane
Maximum Continuous Rating:	25 mmBTU/hr each
Construction Commenced:	1978

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:015, New Indirect Heat Exchangers applicable to an emission unit with a capacity less than 250 mmBTU per hour and commenced on or after April 9, 1972

Regulation 401 KAR 60:005, incorporating by reference Regulation 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 MMBTU/hour but greater than or equal to 10 MMBTU/hour commenced after June 9, 1989.

1. Operating Limitations:

None

2. Emission Limitations:

- a) Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.43 lb/MMBTU based on a three-hour average.
- b) Pursuant to Regulation 401 KAR 59:015, Section 4(2), emissions shall not exceed 20 percent opacity based on a six-minute average, except that a maximum of 40% opacity based on a six minute average, shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot.
- c) Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c), sulfur dioxide emission shall not exceed 1.91 lb/MMBTU based on a twenty-four-hour average.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- d) These units are considered to be in compliance with the allowable SO₂, PM, and opacity limitations while burning natural gas or propane gas .
- e) See Section D for Source-wide emission limits

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The Permittee shall monitor the natural gas and propane gas usage on a daily basis

5. Specific Recordkeeping Requirements:

The permittee shall compile and maintain records of the amount of natural gas and propane gas burned by the boilers combined on a daily basis.

6. Specific Reporting Requirements:

See Sections F

7. Specific Control Equipment Operating Conditions:

None

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SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

10 (01, 02, 03) Emergency Generators

Description:

Cummins Model: OST30-G1
Primary Fuel: Diesel
Maximum Rated Capacity: 750kW (2)
Construction Commenced: December 2000

Description:

Cummins Model: NTA-855-G3
Primary Fuel: Diesel
Maximum Rated Capacity: 350kW
Construction Commenced: December 2000

APPLICABLE REGULATIONS:

Regulation 401 KAR 50:030 Permits (Conditional Major/Synthetic Minor)

1. Operating Limitations:

The maximum operating time for the new generator shall not equal or exceed 500 hr/yr.

2. Emission Limitations:

See Section D

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Section F

5. Specific Recordkeeping Requirements:

The permittee shall compile and maintain records of the following information:

- a) The amount of fuel oil consumed by the generator for the previous month
- b) The amount of fuel oil consumed by the generator during the 12 month total

6. Specific Reporting Requirements:

See Section F

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**E. Unit 11 (01) – (501 & 601)****Pesticide Process –Phosphine Solvent Usage**Description

Pesticide Fogging
Pesticide Fumigation

Processing Rate: **60 gal/day (1440 gal/yr)**
Commenced Construction: 1994

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975.

3. Operating Limitations :

The permittee shall limit the operation such that the maximum total annual (consecutive twelve (12)-month) usage of phosphine liquid shall not exceed **1440** gallons per year. In addition the hours of operation shall not equal or exceed **576** hours per year for pesticide fogging and **288** hour per year for pesticide fumigation. [Self- imposed restriction, so as to preclude the applicability of Regulation 401 KAR 51:017]. The usage rate of materials used in all affected facilities shall be limited so as not to exceed the emission limitations listed in section D.

2. Emission Limitations :

- a. Pursuant to State Regulation 401 KAR 59:010, Section 3(1)(a), the permittee shall not cause, suffer, allow or permit any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity based on a six-minute average.
- b. The application of phosphine shall be controlled in and enclosed area with reasonable ventilation to prevent the release of any toxic or hazardous pollutant into the atmosphere.
- c. See Section D.

Compliance Demonstration Method:

- a. The permittee shall demonstrate that appropriate ventilation systems are in place and functional when solvent is being applied in accordance with manufacturer's recommendations.
- b. The control equipment for the fumigation shall be functional and monitored according to manufacturer recommendations.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Monthly VOC / HAP emission = \sum [Monthly usage of each coating, solvent, thinner diluent, or any other VOC/HAP containing material in pounds or gallons per month] x [VOC/HAP fraction] x [appropriate conversion factor (if usage is in gallons) for gallons to pounds for each coating, solvent thinner, diluent, or any other VOC/HAP containing material used]
- d. The permittee must ensure compliance with 401 KAR 63:020, Potentially Hazardous Matter or Toxic Substances. Permittee must establish a program for handling, controlling, and usage of phosphine and shall submit to the Division for approval. The submittal must be made at least ninety (90) days prior to bringing phosphine to the site.

3. Testing Requirements:

See Section D

4. Specific Monitoring Requirements :

The permittee shall qualitatively observe opacity at least once per operating day and record results in a log, noting color, duration, density (heavy or light), cause and corrective action taken for any abnormal visible emissions.

5. Specific Record Keeping Requirements:

The permittee shall keep calendar month records of the usage of solvents and clean up solvents or any other VOC/ HAP containing material. At the end of each month volatile organic compound (VOC) and hazardous air pollutants (HAPs) emissions shall be calculated and recorded. These records in tons per month VOC/HAP emissions calculated, shall be summarized and recorded in tons per VOC/HAP per consecutive twelve (12) months total representing the most recent year.

In addition, those records shall comply with VOC/HAP emissions limitations listed in this permit for each conditional major limitation. These records as well as purchases, orders and invoices for all VOC/HAP containing materials; shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality.

6. Specific Reporting Requirements

1. Any deviations from requirements of section B shall be reported.
2. The VOC emission calculation for each month in the semi-annual period shall be reported.
3. The individual HAP emission calculation for each month in the semi-annual period shall be reported.
4. The combined HAPs emission calculation for each month in the semi-annual period shall be reported.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. The rolling 12 month total for VOC during each month in the semi-annual period shall be reported.
6. The rolling 12 month total of individual HAP's for each month in the semi-annual period shall be reported.
7. The rolling 12 month total of combined HAP's for each month ending in the semi-annual period shall be reported.

Conditional major limitations require the following to be reported semi-annually. These reports shall be certified by a responsible official, and delivered by electronic media (such as fax or e-mail) or postmarked to the Division's Paducah Regional Office within thirty days following the end of each semi-annual period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. These reports may also be delivered by courier as long as the reports are stamped received as indicated above. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate, and complete.

7. Specific Control Equipment Operating Conditions:

None

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SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Propane Vaporizer - 1.2 mmBTU/hr	Regulation 401 KAR 50:070
2. Stem Shaker	Regulation 401 KAR 59:010
3. Stem Conveyor	Regulation 401 KAR 59:010
4. Re-dryer Conveyor	Regulation 401 KAR 59:010
5. Scrap Dryer	Regulation 401 KAR 59:010
6. Double Ram Press	Regulation 401 KAR 59:010
7. Single Ram Press Bundle Buster	Regulation 401 KAR 59:010
8. Single Ram Press	Regulation 401 KAR 59:010
9. Truck Dump	Regulation 401 KAR 59:010
10. Stem Shaker Screen	Regulation 401 KAR 59:010
11. Stem Conditioning Cylinder	Regulation 401 KAR 59:010
12. Tanker Loading Process	Regulation 401 KAR 59:010
13. Small Line Conveyors	Regulation 401 KAR 59:010
14. Small Line Sifters	Regulation 401 KAR 59:010
15. Small Line Dryer #3(Fluidized Bed)	Regulation 401 KAR 59:010
16. 500 Gallon Gasoline Tank	NA
17. (2) 30,000 Gallon Pressurized Propane Tanks	NA
18. Small Parts Cleaners	NA

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Pursuant to Regulation 401 KAR 52:030, Section 1, emissions limitations and standards contained herein shall be legally and practically enforceable.
2. As required by Section 1b of the Cabinet Provisions and Procedures material incorporated by reference in 401 KAR 52:030, Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any consecutive twelve (12) months total.
3. In accordance with Regulation 401 KAR 52:030, Section 1 and to preclude Regulation 401 KAR 51:017, source wide emissions of PM and VOC shall not equal or exceed 90 ton per year
4. Combined HAPs shall be less than 22.5 tons and any single HAP emissions shall be less than 9.0 tons per consecutive (12) twelve-month total.
5. Testing shall be conducted at such time as may be required by the cabinet in accordance with the Regulations 401 KAR 59:005 section 2(2) and KAR 50:045 section 4.

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SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

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SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of 401KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
 - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due prior to January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
9. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Paducah Regional Office in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality
Paducah Regional Office
4500 Clarks River Road
Paducah, KY 42003**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.
12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove and dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the Division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:030 Section 7(1)]
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]
11. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in this permit; and
 - (b) Non-applicable requirements expressly identified in this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division. [401 KAR 52:030 Section 3(1)(c)]
17. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets. [401 KAR 52:030 Section 8(2)]
18. All previously issued construction and operating permits are hereby subsumed into this permit.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:030 Section 12]

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

None

(e) Acid Rain Program Requirements

None

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within ten (10) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

SECTION G - GENERAL PROVISIONS (CONTINUED)

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346**

2. If requested, submit additional relevant information by the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

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SECTION I - COMPLIANCE SCHEDULE

None

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